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[Despatch Abstract.]

(ABSTRACT)

BORSTAL SCHOOLS - Inmates belonging to other States undergoing detention in Madras State - Transfer to States of origin - Letters from the Government of India -Recorded.

-x-x-x

Copy of letter No.27/14/52-Police I dated 21st July 1953 from the Government of India, Ministry of Home Affairs, New Delhi to the Secretary to Government of Madras, Home Department for information in continuation of this Ministry's letter No.27/14/52-Police I dated 12th March 1953.

Sub: Borstal Schools - Inmates belonging to other States - Transfer to the States of origin.

I am directed to refer to this Ministry's letter No.27/14/52-Police,I dated the 16th September 1952 and your reply thereto, on the above subject, and to say that from the replies so far received from the States it appears that they agree in principle with the views of the Government of India, regarding the transfer of inmates of Borstal Schools to their States of origin, communicated in this Ministry's letter under reference. The Government of India would, therefore, be glad if the State Governments now arrange among themselves, on a reciprocal basis, for the transfer of inmates of Borstal Schools to similar Schools, if any, in their States of origin, on the lines indicated in the concluding sub-para of para 1 of this Ministry's letter of the 16th September 1952.

2.A State Government has suggested that if it is not possible to transfer a Borstal School lad either because there is no Borstal School in the State of his origin or because the lad has undergone reformatory treatement for a considerable time, the State of origin should pay his maintenance charges.The Government of India are of the opinion that the State of origin should be called upon to bear maintenance charges only when the inmates of Borstal Schools are in fact transferred to similar Schools in their territories.

3. Another State Government has suggested that the question of transfer of an inmate of a Borstal School to his State of origin should be left to the discretion of the Inspector-General of Prisons who, in consultation with the authorities of a Borstal School concerned, may act in the best interests of the inmate. This was also the intention of the Government of India. In order, however, that there should be no room for misunderstanding, the Government of India would suggest that the arrangements for the transfer of an inmate of a Borstal School to his State of origin should be settled between the Inspectors-Gernal of Prisons of the concerned States.

/True copy/

Superintendent.

vb/28/9.

Copy of letter No.27/14/52-Police.1 dated 16th September 1952 from Government of India, Ministry of Home Affairs, New Delhi.

Sub: Borstal Schools - Inmates belonging to other States - Transfer to the States of origin.

I am directed to forward a copy of letter from the Government of Madras No.94500 Pr.II/52-II, datedthe 24th July 1952, (together with its enclosure) and to say that Borstal Schools appear to be somewhat different from jails, so far as the question of transfer of inmates to the State of their origin is concerned. Two factors are dited below for instance:

i. There may be no Borstal School in the State of origin of an inmate, in which case it would not be possible to effect a transfer; this would preclude the framing of a general rule for transfer of Borstal School inmates to their States, of origin, as in the case of ordinary prisoners.

ii. The object of putting a boy into a Borstal School instead of into a prison is that he may be under reformatory treatement by competent authorities. Such treatment would suffer a break if an inmate is transferred from one institute to another. If a boy is doing well in a particular school it would not be advisable to transfer him from there; on the contrary if a boy does not react well to the treatement/ atmosphere in a school, there will be ample justification for transferring him to another school, preferably in his State of origin.

TheGovernment of India are therefore inclined to take the view that the authorities of a Borstal school may consider each individual case on its merits as to whether it would be in the interests of a particular inmate to trasfer him to another Borstal School; in such a case, and not as a rule, need an inmate be transferred to the State of his origin. The expenses of transfer and maintenance in cases of such transfer may be met in the same way as in the case of transfer of a prisoner to a jail in his state of origin.

2. I am to request that the Government of India may be favoured with the comments of the State Government in the matter.

/True copy/

SUPERINTENDENT. 29/9

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